



OFFICE OF THE CORPORATION COUNSEL

BEN WALSH, MAYOR
September 21, 2018

Via Electronic Filing

Honorable Brenda K. Sannes
Federal Building and U.S. Courthouse
P.O. Box 7345
Syracuse, NY 13261-7345

**Re: Elijah Johnson v. City of Syracuse, et al.
Civil Action No.: 5:16-cv-0622**

Dear Judge Sannes:

As the Court is aware, I am now lead counsel for Defendants in the above-referenced matter which is currently scheduled for trial beginning on November 13, 2018. Recently, I learned that a critical defense witness has been out of work on medical leave which explained why my recent efforts to contact the witness have been unsuccessful to date. However, it was my understanding that the witness would be available shortly, giving me adequate time to prepare for trial.

Unfortunately, it just came to my attention that the same witness, who is material to the defense, will be unavailable through the time of trial. Additionally, obtaining a video deposition prior to the November trial date will not be possible due to the witness's current condition. Proceeding to trial without the ability to call this particular witness would be extremely prejudicial to my clients; therefore I respectfully request that the trial be adjourned.

The Court's time and attention to this matter is greatly appreciated. Please do not hesitate to contact the undersigned with any questions or concerns.

Respectfully submitted,

Christina F. DeJoseph, Esq.
Assistant Corporation Counsel

CFD/

cc: Fred Lichtmacher, Esq.